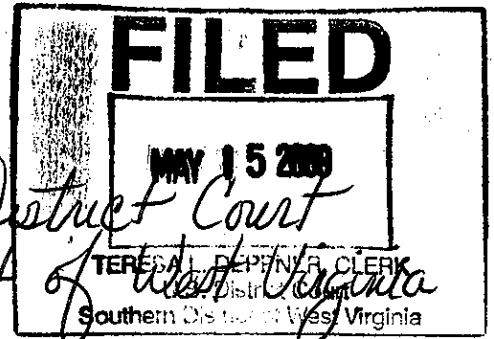


Page (1)



In the United States District Court
for the Southern District of West Virginia
United States of America

Docket No

VS.

5:09-0548

Terry Lee Roseboro

o
o
o
o
o

Motion for Relief of Medical Exemption from
Education Department. Due to Medical Reasons:

Come now, the petitioner, Terry Lee Roseboro, pro-se
and petitions the court for medical Exemption from
Education Department. In support of the petition
request. The petitioner would show the following:

(1) I will show that I Terry Lee Roseboro suffered
a cardiovascular accident or stroke. After making
several complaints to the medical staff at F.C.I
Beckley, I the petitioner was mistreated for joint
and pain related problems to that condition, while
being misdiagnose for condition petitioner suffered a
stroke on March 8, 2007. After being admitted
to a local hospital, The medical doctor realized
I had to have an open heart surgery to remove

Page (2)

a atrial myxoma. Which the stroke has changed the manner in which the petitioner must live throughout life, Furthermore, This condition has permanently damaged petitioner movements and impaired the proper functions of his brain, Therefore, leaving him disabled for the remainder of his life, In that he cannot function as a normal human being. Petitioner's medical records can be reviewed upon request by the sentencing judge through the medical department at (F.C.I) Federal correctional Institution Beckley

(2) Attached is Administrative Remedy I. D no. 484717., Signed by the Regional Director on April 24, 2008, as petitioner's Exhibit "A" which say:

Roseboro suffered a stroke caused by a ~~tumor~~ tumor on the walls of the heart. The tumor caused a blood clot that lead to the stroke. Roseboro endured open heart surgery in order to remove the tumor. The damage to his brain will permanently impair petitioner's ability to function normally. The Bureau of prison must now provide him, presumably, expensive medication and medical care

page (3)

(3) The petitioner, a Forty-seven year old male, has been seen by Speech / language evaluation at Communicative Disorders University of Kentucky on 6/11/07. Which was diagnosed with paresis and speech deficits. The petitioner also have difficulty with understanding Comprehension. Which can be verified at Report of Speech / language Evaluation, University of Kentucky.

(4.) The petitioner only seek to have ~~an~~ An Exemption from Education department, because of Medical condition at F.C.I Beckley

Terry Lee Roseboro
16092-058
F.C.I Beckley
P.O. Box 350
Beaver, W. Virginia
25813

Case 5:00-cr-00014-RLV Document 83-2 Filed 09/15/2008 Page 1 of 1 EXHIBIT

ADMINISTRATIVE REMEDY REGIONAL APPEAL
PART B - RESPONSE

Date Filed: April 4, 2008

Remedy I.D. No: 484717-R1

You appeal the Warden's response to your Request for Administrative Remedy. You report your medical staff incorrectly diagnosed your medical condition. You request to receive compensation.

Review of your appeal with institution staff indicates your medical condition has been thoroughly evaluated and assessed. Review of your medical record reveals on March 8, 2007, you reported to the Ambulatory Care Clinic with complaints of feeling faint and shortness of breath. Your condition was evaluated by the Clinical Director. Following physical examination, a diagnostic electrocardiogram, or a graphic tracing of electrical activity of the heart, was performed. Results of this study revealed a mild rhythm related abnormality. Arrangements to transfer you to a local medical facility for advanced treatment and diagnosis was completed. During admission, you suffered a cardiovascular accident, or stroke. Diagnostic procedures and testing revealed your stroke was the result of a atrial myxoma, or a non-cancerous tumor on the wall that separates the two sides of the heart. Atrial myxomas may cause an embolism, or clot, to form which can block blood flow, leading to a stroke. Myxomas are difficult to detect and can only be diagnosed using advanced or sophisticated testing to include cardiac doppler studies, Magnetic Resonance Imaging (MRI) studies, Computerized Tomography, and other testing procedures. This type of testing is not available in non-medical correctional facilities. Unfortunately, you did not experience symptoms of a cardiac related condition until the day you were admitted to the local hospital. Following diagnosis of the myxoma, you were transferred to an alternate medical center and surgical removal of the tumor was accomplished.

On March 3, 2008, your condition was evaluated during a scheduled appointment. During your appointment, you reported improvement in your expressive aphasia and weakness in your extremities. Review of your medication administration record reveals appropriate medications to address your current medical needs. Your condition will continue to be monitored on a regular basis through scheduled Chronic Care Clinic appointments.

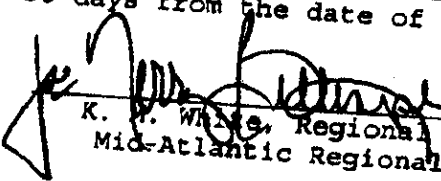
Your medical plan of care, developed and implemented by your primary care provider team, is adequate and complete. Your condition has been sufficiently addressed and prescribed medication and treatment is appropriate. There is no evidence to support your report that medical staff incorrectly diagnosed your medical condition. You are encouraged to continue to work with your primary care provider team for other health care related issues and concerns.

The Administrative Remedy process does not address compensation. Please refer to the Federal Tort Claims Act for this purpose.

Your appeal of the Warden's response is denied. If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534. Your appeal must be received in the General Counsel's Office within 30 days from the date of this response.

APR 24 2008

Date


K. J. White, Regional Director
Mid-Atlantic Regional Office

U.S. DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

: See Attachment:

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Roseboro, Terry L. 16092-058 P.B.L. Beckley
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Medical Exemption From Education Department, because of a Recorded Stroke:

On Dr. McLain's response, Dated 10-15-08, and enclosed, he inappropriately contends that the Education Department, have made, or may make a medical recommendation, as to medical needs: This is Clearly not the Case, in this scenario, given the fact, that, this Doctor have evidence regarding the stroke; Medical Exemption should be Granted by Doctor:

10-29-08
DATE

See Attachment

Mr. Terry Lee Roseboro
SIGNATURE OF REQUESTER

Part B- RESPONSE

RECEIVED
NOV 04 2008

BY: _____

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 515024-F1

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



ELECTRONIC MAIL MESSAGE

DATE: 10-24-08

TO: Jennifer Pinkerton
OFFICE OF CONGRESSWOMAN FOXX

FROM: Federal Bureau of Prisons, Washington, DC

For your review, I have attached the Administrative Remedy responses inmate Roseboro has received from the Warden, the Regional Director, and our National Appeals Coordinator (here in 'headquarters' for the BOP) concerning his allegation that medical neglect has caused him to suffer permanent brain damage. Each response is extremely thorough and addresses inmate Roseboro's allegation.

END MESSAGE

Exhibit #1

REQUEST FOR ADMINISTRATIVE REMEDY

BEC 515024-F1

Your Request for Administrative Remedy, received November 4, 2008, has been reviewed. In your request, you state that you should not have to attend education programs due to impairments suffered from a previous stroke.

A review of your medical record reveals you suffered from a CVA (cerebrovascular accident) in 2007. This CVA was caused by a myxoma located in your heart. You have had surgery to remove the myxoma. Since that time, you have been evaluated multiple times by the Clinical Director and by your Primary Care Provider. Both note that you have some residual expressive aphasia and right sided weakness. However, the Clinical Director states that this does not limit your ability to attend educational classes and actually could be beneficial in the rehabilitation of your brain injury.

Based on the above facts, administrative remedy is denied. If dissatisfied with this response, you may appeal to the Regional Director, Bureau of Prisons, Mid-Atlantic Region, 302 Sentinel Drive, Suite 200, Annapolis Junction, Maryland 20701, within twenty (20) calendar days of the date of this response.

Date

11/26/08

T. R. Craig, Warden

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Roseboro, Terry L. 16042-058 P.B.L. Beckley
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL Medical Exemption From Education
Department, because of a Recorded Stroke:

ON Dr McLain's response, Dated 10-15-08, and ENCLOSED, he in appropriately contend's that the Education Department, have made, or may make a medical recommendation, as to medical needs: This is clearly NOT the case, in this scenario, given the fact, that this Doctor have evidence, regarding the stroke; Medical Exemption should be Granted by Doctor McLain:

11-28-08

DATE

Terry Lee Roseboro

SIGNATURE OF REQUESTER

Part B - RESPONSE

RECEIVED

DEC 12 2008

Bureau of Prisons
MARO Regional Counsel

RECEIVED

(12)

DEC 11 2008

Bureau of Prisons
MARO Regional Counsel

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 515024R1

Part C - RECEIPT

CASE NUMBER: _____

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL



Administrative Remedy Regional Appeal
Part B - Response

Date Filed: December 12, 2008

Remedy ID No: 515024-R1

You appeal the Warden's response to your Request for Administrative Remedy. You complain you have not been granted a permanent medical exemption from the GED program as a result of your having had a stroke. As relief, you request the institution grant you such an exemption.

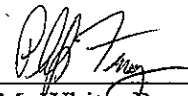
Program Statement 5350.28, Literacy Program, (GED Standard), section 12, states, "The Warden may exempt an inmate from the literacy program requirements for work assignment appointment and promotion in one of the following situations...When a qualified medical or psychology staff member, together with the SOE, confirms that an inmate has an extremely serious and irreversible medical or psychological condition that, even when treated, prevents the inmate from benefitting from the literacy program."

Investigation indicates medical staff at your institution have determined that you do not meet the criteria for the granting of a full medical exemption from the GED program. In fact, medical staff at your institution have indicated further participation in the GED program may benefit your recovery. The decision of the Warden to deny a medical exemption is in accordance with policy, and we find no reason to deviate from his decision.

Your appeal of the Warden's response is denied. If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons, 320 First Street, NW, Washington, DC 20534. Your appeal must be received in the General Counsel's office within 30 days from the date of this response.

DEC 31 2008

Date



K. M. White, Regional Director
Mid-Atlantic Regional Office

U.S. Department of Justice

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: Roseboro Terry L. 16092-058 Pine BL FCI-Berkeley
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A—REASON FOR APPEAL

On 12-30-08 the Regional Director answered, my B210 denying me an exempt status on Educational classes. His reply is a text book answer for my request. On 1-20-09 the Warden, per medical records (Attached) stated that I have expressive Aphasia, that is not reversible, therefore per BOP Policy, I Request (exempt status) from Educational classes.

1-21-09

DATE

Jerry Lee Roseboro

SIGNATURE OF REQUESTER

Part B—RESPONSE

RECEIVED

FEB 04 2009

Administrative Remedy Section
Federal Bureau of Prisons

RECEIVED

MAR 03 2009

Administrative Remedy Section
Federal Bureau of Prisons

DATE

ORIGINAL: RETURN TO INMATE

GENERAL COUNSEL

CASE NUMBER: 515024-A2

Part C—RECEIPT

CASE NUMBER: _____

Return to: _____

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

USP LVN

BP-231(13)
APRIL 1982

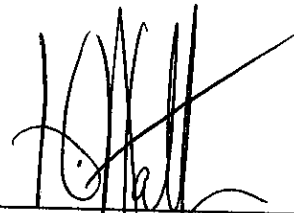
Administrative Remedy No. 515024-A2
Part B- Response

This is in response to your Central Office Administrative Remedy Appeal in which you request a medical exemption from education due to a past stroke.

Relevant portions of your medical record have been reviewed which reveal you suffered from a cerebrovascular accident (CVA) in 2007. FCI Beckley medical staff have determined that your prior CVA condition does not limit your ability to attend educational classes.

Your appeal is denied.

April 22, 2009
Date



Harrell Watts, Administrator
National Inmate Appeals

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: FEBRUARY 12, 2009

FROM: ADMINISTRATIVE REMEDY COORDINATOR
CENTRAL OFFICE

TO : TERRY LEE ROSEBORO, 16092-058
BECKLEY FCI UNT: PINE QTR: P05-104LH
P.O. BOX 1280
BEAVER, WV 25813

FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 515024-A1 CENTRAL OFFICE APPEAL
DATE RECEIVED : FEBRUARY 4, 2009
SUBJECT 1 : EDUCATION - OTHER
SUBJECT 2 : NON-MEDICATION/PRESCRIPTIONS-BED BOARDS, IDLES, ETC.
INCIDENT RPT NO:

REJECT REASON 1: YOU DID NOT PROVIDE A COPY OF THE ATTACHMENTS TO YOUR
INSTITUTION ADMINISTRATIVE REMEDY REQUEST (BP-9).

REJECT REASON 2: YOU MAY RESUBMIT YOUR APPEAL IN PROPER FORM WITHIN
15 DAYS OF THE DATE OF THIS REJECTION NOTICE.

REMARKS : INMATE REQUESTS A MEDICAL EXEMPTION FROM EDUCATION
DUE TO A PAST STROKE.

Administrative Remedy No. 484717-A1
Part B - Response

You allege medical staff incorrectly diagnosed your medical condition. You request to be compensated.

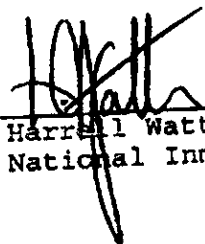
Relevant portions of your medical record have been reviewed which reveal that you are being monitored in the Chronic Care Clinic and have been provided education regarding your medical conditions. The Clinical Director evaluated you, performed appropriate diagnostic tests, and arranged transportation to a local medical facility for advanced treatment and diagnosis. During admission, you suffered a stroke and were diagnosed with myxoma. You were then transferred to an alternate medical center and surgical removal of the tumor was performed. Your record reflects staff have been attentive to your health concerns and have provided the appropriate services. You present no evidence to support your allegation that medical staff incorrectly diagnosed your medical condition. You are encouraged to cooperate with staff so they may continue to provide you with essential healthcare.

The Administrative Remedy Program does not provide for monetary relief. Your request for monetary compensation should be pursued through the appropriate statutorily mandated procedure to resolve this issue.

The record reflects you are receiving medical care and treatment in accordance with Bureau policy. You are encouraged to attend sick call if your condition changes.

This response is provided for informational purposes only.

June 30, 2008
Date


Harrell Watts, Administrator
National Inmate Appeals *W*

Roseboro, Terry
14881817



UNIVERSITY OF KENTUCKY

Dream • Challenge • Succeed

COLLEGE OF HEALTH SCIENCES

16092-C

**COMMUNICATIVE DISORDERS
UNIVERSITY OF KENTUCKY
REPORT OF SPEECH/LANGUAGE EVALUATION**

PATIENT: Roseboro, Terry
HOSPITAL NO.: 14881817
BIRTHDATE: 2/27/62
EVALUATION/ DATE: 6/11/07

How
6/29/07

I. BACKGROUND

Terry Roseboro, a forty-five year old male, was seen for a speech/language evaluation at this clinic on 6/11/07. Terry reportedly had a left CVA three months ago. He presents with right sided paresis and speech deficits. Mr. Roseboro was seen at an outside hospital at the time of his stroke and underwent a left atrial myxoma resection. He was seen by speech therapy, physical therapy, and occupational therapy while in the hospital.

As a result of the stroke Terry explained that he is having difficulty with word finding and experiences some right sided weakness. He explained that sometimes he has difficulty "getting words out" and "putting words together". Mr. Roseboro also explained that he is having some difficulty with understanding/comprehension.

II. SUMMARY OF SPEECH/LANGUAGE EVALUATION

1. The Boston Diagnostic Aphasia Examination -- 3rd edition: (BDAE) was given to assess the patient's level of language functioning. The following scores were obtained for each section of the test:

SECTION OF TEST:	SCORE:	COMMENTS:
Auditory Comprehension:		
Basic word discrimination	14/16	Pt. did well when asked to point to pictures of objects, and identify colors, letters, and numbers. Pt. had some difficulty when pointing to body parts.
Commands	8/11	Pt. did well when asked to follow all 2-step and some 3-step commands. He required one repetition of command in order to complete the final 3-step command, and had difficulty completing parts of the task.
Division of Communication Disorders		

CTW Building • 900 South Limestone • Lexington, Kentucky 40536-0200
(859) 323-1100

www.uky.edu

An Equal Opportunity University

Terry Lee R
#16092-058

Federal Correctional Institution

Beckley - P.O. Box 350

Beaver, W.V. 25813

Clerk's office
Robert C. Byrd U.S. Courthouse,
110 N. Heber Street
Beckley, W.V. 25801

(Legal Mail)



QUALITY PARK
9-1/2" x 12-1/2"

FEDERAL CORRECTIONAL INSTITUTION

BECKLEY

P.O. BOX 1280

BEAVER, WV 25813

DATE

5/13/09

THE ENCLOSED LETTER WAS PROCESSED THROUGH
SPECIAL MAILING PROCEDURES FOR FORWARDING TO
YOU. THE LETTER HAS BEEN INTERVIEWED, OPENED, AND
INSPECTED BY THE MAIL ROOMS. A QUESTION OR
PROBLEM OVER WHICH THE FACILITY HAS JURIS-
DICTION, YOU MAY WISH TO RETURN THE MATERIAL
FOR FURTHER INFORMATION OR CLARIFICATION. IF
THE ENCLOSED LETTER ENCLOSES CORRESPONDENCE FOR
OR MAILING TO ANOTHER ADDRESSEE, PLEASE
RETURN THE ENCLOSURE TO THE ABOVE ADDRESS.